

United States District Court

JUL 16 2016

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Emilio Cruz-Resendez

Principal

Case Number:

YOB: 1986

the United Mexican States

M-16- 1346-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 14, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Edwin Wilfredo Chavez-Cabrera, a citizen and national of El Salvador, and Wilder Joel Palma-Palma, a citizen and national of Honduras, along with three (3) other undocumented aliens, for a total of five (5), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempt to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On July 14, 2016, Supervisor Border Patrol Agent (SBPA) Urbina of the Weslaco Border Patrol Station responded to a call from the San Juan Police Department at 605 Palmetto Palm St., in San Juan, Texas. Upon arrival, SBPA Urbina made contact with Officer E. Lopez and Detective Hernandez who advised him they had responded to a welfare check from a 911 call at the said location. The 911 caller stated that they were being held against their will and that they were locked in a room in a house and could not get out. When the officers arrived at the location they knocked on the front

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Nicolas Cantu, Jr. Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

July 16, 2016
Date

4:05 PM at

McAllen, Texas
City and StatePeter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16- 1344-M

RE: Emilio Cruz-Resendez

CONTINUATION:

door and a female, , later identified as Maria De Jesus SANCHEZ-Garcia opened the door. Officer's Lopez and Hernandez identified themselves, and told Sanchez-Garcia the reason they were at the location and asked for consent to conduct a welfare check at the residence. Before SANCHEZ-Garcia could give consent the officers heard loud banging and noises coming from one of the bedrooms. The officers then made their way into the residence in order to check what the banging and noises were. The officers came upon a bedroom door that was locked from the outside and were able to break the door open. A total of five subjects were found in the room. Officer E. Lopez interviewed the subjects, who stated that they were from foreign countries with no identification.

Supervisory Border Patrol Agent Urbina interviewed the six subjects that were in the house and determined that they were all illegally in the country. All six subjects were read their Miranda Rights and placed under arrest by Border Patrol.

Detective Hernandez also stated that they observed a silver pickup truck arrive in the area and that it parked several houses away. A male exited the truck and started to walk away leaving a small girl in the vehicle. The officers stopped the male and after questioning determined that he was the husband to Maria De Jesus SANCHEZ-Garcia. The male subject was identified as Emilio CRUZ-Resendez. CRUZ-Resendez was turned over to Border Patrol Agents. Questioning of CRUZ-Resendez revealed that he was illegally in the United States. CRUZ-Resendez was read his Miranda Rights and placed under arrest by Border Patrol.

All the subjects were transported to the Weslaco Border Patrol Station for processing.

Once at the Border Patrol Station it was determined that Emilio CRUZ-Resendez was the caretaker of the undocumented aliens.

PRINCIPAL STATEMENT

Emilio CRUZ-Resendez was read his Miranda Rights. He understood his rights and declined to provide a sworn statement.

MATERIAL WITNESS STATEMENTS

Edwin Wilfredo CHAVEZ-CABRERA and Wilder Joel PALMA-Palma were read their Miranda Rights. Both understood their rights and provided a sworn statement.

CHAVEZ-Cabrera, Edwin Wilfredo, a citizen of El Salvador, stated that he made arrangements with a smuggler from El Salvador. He agreed to pay a total of \$2,700.00 (USD) to be smuggled

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16-1346 -M

RE: Emilio Cruz-Resendez

CONTINUATION:

to Virginia. CHAVEZ claims that he was taken to two different stash houses once he crossed into the United States. CHAVEZ identified Emilio CRUZ-Resendez through a photo lineup as the person whom let him into the house where he was arrested. CRUZ told CHAVEZ that he would provide food and contact his family. CRUZ also instructed him not to go outside between 7:00 a.m. and 6:00 p.m. and that he would stay there until his family paid \$4,000 USD.

Wilder Joel PALMA-Palma, a citizen of Honduras, stated that his family made the smuggling arrangements in Honduras. He agreed to pay a total of \$2,100.00 (USD) to be smuggled to Houston. PALMA claims that he was taken to two different houses once he crossed into the United States. PALMA identified Emilio CRUZ-Resendez through a photo lineup as the person in charge of the second house where he was arrested. When he arrived at the second house CRUZ was the person who received the group and charged them \$4,000.00 (USD), in addition to what was already paid, and locked them up in a room.